



March 17, 2009

ENGROSSED SENATE BILL No. 269

DIGEST OF SB 269 (Updated March 12, 2009 10:34 am - DI 116)

Citations Affected: IC 10-14; IC 10-15; IC 10-19; IC 13-25; IC 22-12; IC 22-14; noncode.

Synopsis: Various public safety commissions. Specifies the manner of approval for allocations from the emergency management contingency fund. Makes certain changes relating to who is eligible to receive financial assistance from the disaster relief fund. Allows certain members of: (1) the homeland security foundation; and (2) the local emergency planning committees to appoint certain designees for a specified meeting. Allows certain members of the board of firefighting personnel standards and education to appoint designees. Adds the chief information officer of the office of technology as a voting member of the counterterrorism and security council. Adds the: (1) minority leader of the senate, or the minority leader's designee; and (2) minority leader of the house of representatives, or the minority leader's designee; as nonvoting members of the counterterrorism and security council. Provides that all amusement and entertainment permits expire one year after the date of issuance. Transfers money in the statewide arson investigation financial assistance fund to the fire and building services fund. Repeals provision that establishes the statewide arson investigation financial assistance fund.

Effective: Upon passage; July 1, 2009.

Arnold, Wyss

(HOUSE SPONSORS — TINCHER, TYLER, RUPPEL)

January 7, 2009, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.

January 20, 2009, reported favorably — Do Pass.

January 26, 2009, read second time, amended, ordered engrossed.

January 27, 2009, engrossed. Read third time, passed. Yeas 39, nays 9.

HOUSE ACTION

February 25, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.

March 16, 2009, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

C
o
p
y

ES 269—LS 6616/DI 103+



March 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 269

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-14-3-28 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) The general
3 assembly may appropriate the sums necessary to administer this
4 chapter.

5 (b) The emergency management contingency fund is established.
6 The fund consists of money appropriated by the general assembly.
7 Money in the fund must be held in reserve and allocated for emergency
8 management purposes **as follows:**

9 (1) **For an allocation of not more than one hundred thousand**
10 **dollars (\$100,000), upon the approval of the director and the**
11 **budget director.**

12 (2) **For an allocation of more than one hundred thousand**
13 **dollars (\$100,000), upon (+) the recommendation of the director**
14 **and (-) the approval of the governor. and the budget committee.**

15 (c) **In the event that funding under subsection (b)(2) is used, the**
16 **agency shall submit an after action report to the budget committee**
17 **identifying the use of the funds.**

ES 269—LS 6616/DI 103+



C
o
p
y

SECTION 2. IC 10-14-4-6, AS AMENDED BY P.L.57-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to provide financial assistance as follows:

- (1) To an eligible entity that:
 - (A) is not an individual;
 - (B) contains territory for which a disaster emergency has been declared by the governor;
 - (C) has suffered damage to the entity's public facilities because of the disaster for which the disaster emergency was declared;
 - (D) has applied to the department for financial assistance in the form of a grant; and
 - (E) complies with all other requirements established by the agency.
- (2) To an eligible entity:
 - (A) who is an individual;
 - (B) whose primary residence is located in territory for which:
 - (i) ~~the governor declares a disaster emergency; or~~
 - (ii) **(i) the United States Small Business Administration declares a disaster; and**
 - (ii) there has been no disaster declaration issued by the President of the United States;**
 - (C) who has suffered damage to the entity's primary residence or individual property because of a disaster described in clause (B); and
 - (D) who complies with all other requirements established by the agency.

SECTION 3. IC 10-15-2-2, AS AMENDED BY P.L.22-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The foundation consists of nine (9) voting members and four (4) nonvoting advisory members.

(b) The voting members shall be appointed by the governor. Each Indiana congressional district must be represented by at least one (1) member who is a resident of that congressional district. Not more than five (5) of the members appointed under this subsection may represent the same political party.

(c) The four (4) nonvoting advisory members are as follows:

- (1) Two (2) members, one (1) from each political party, appointed by the president pro tempore of the senate with advice from the minority leader of the senate.
- (2) Two (2) members, one (1) from each political party, appointed

C
o
p
y



by the speaker of the house of representatives with advice from the minority leader of the house of representatives.

(d) In the absence of a member, the member's vote may be cast by another member if the member casting the vote has a written proxy in proper form as required by the foundation.

(e) A voting member may appoint a designee of the same political party as the voting member to act on the voting member's behalf under this chapter. The designee must reside in the same congressional district as the voting member. An appointment under this section must:

(1) be for one (1) specified meeting;

(2) be made in writing or electronic mail submitted to the foundation at least two (2) calendar days before the meeting that the designee attends on behalf of the member; and

(3) be maintained in the permanent records of the foundation.

SECTION 4. IC 10-15-2-3, AS AMENDED BY P.L.22-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A quorum consists of five (5) of the voting members of the foundation.

(b) The affirmative vote of at least five (5) voting members of the foundation **or the members' designees** is necessary for the foundation to take action.

SECTION 5. IC 10-19-8-2, AS AMENDED BY P.L.120-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The council consists of the following members:

(1) The lieutenant governor.

(2) The executive director.

(3) The superintendent of the state police department.

(4) The adjutant general.

(5) The state health commissioner.

(6) The commissioner of the department of environmental management.

(7) The director of the Indiana state department of agriculture.

(8) The chairman of the Indiana utility regulatory commission.

(9) The commissioner of the Indiana department of transportation.

(10) The executive director of the Indiana criminal justice institute.

(11) The commissioner of the bureau of motor vehicles.

(12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.

(13) The speaker of the house of representatives or the speaker's

C
o
p
y



designee.

(14) The president pro tempore of the senate or the president pro tempore's designee.

(15) The chief justice of the supreme court.

(16) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.

(17) The state veterinarian.

(18) The minority leader of the house of representatives or the minority leader's designee.

(19) The minority leader of the senate or the minority leader's designee.

(20) The chief information officer of the office of technology.

(b) The members of the council under subsection (a)(13), (a)(14), ~~and~~ (a)(15), **(a)(18), and (a)(19)** are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.

SECTION 6. IC 13-25-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The commission shall do the following:

(1) Encourage and support the development of emergency planning efforts to provide:

(A) state government entities;

(B) local governments; and

(C) the public;

with information concerning potential chemical hazards in Indiana.

(2) Assist the state in complying with the requirements of SARA.

(3) Design and supervise the operation of emergency planning districts in Indiana.

(4) Gather and distribute information needed for effective emergency response planning.

(b) A local emergency planning committee shall do the following:

(1) Satisfy the requirements of SARA.

(2) Prepare and submit a roster of committee members to the commission at least one (1) time each year.

(3) Meet at least two (2) times, on separate days, every six (6) months.

(4) Prepare and submit the report required under IC 6-6-10-8.

(c) A local emergency planning committee member who is an

C
o
p
y



employee of a unit (as defined in IC 36-1-2-23) may appoint a designee of the same political party as the committee member to act on the committee member's behalf under this chapter. An appointment under this subsection must:

- (1) be made in writing or electronic mail;
- (2) be for one (1) specified meeting; and
- (3) be submitted to the committee at least two (2) calendar days before the meeting that the designee attends on behalf of the member.

SECTION 7. IC 22-12-3-2, AS AMENDED BY P.L.101-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The education board consists of eleven (11) voting members ~~The governor shall appoint nine (9) individuals as voting members of the education board, each to serve a term of four (4) years:~~ as follows:

- (1) The state fire marshal ~~and or the state fire marshal's designee.~~
- (2) The ~~deputy~~ director of the department's division of preparedness and training ~~shall also serve as voting members of the education board: or the director's designee.~~
- (3) ~~Nine (9) members appointed by the governor, each serving a four (4) year term.~~

(b) Each appointed member of the education board must be qualified by experience or education in the field of fire protection and related fields.

(c) Each appointed member of the education board must be a resident of Indiana.

(d) The education board must include the following appointed members:

- (1) Seven (7) individuals who are members of fire departments. Appointments under this subdivision must include the following:
 - (A) At least one (1) individual who is a full-time firefighter (as defined in IC 36-8-10.5-3).
 - (B) At least one (1) individual who is a volunteer firefighter (as defined in IC 36-8-12-2).
 - (C) At least one (1) individual who is a fire department officer.
- (2) Two (2) citizens who are not members of a fire department.

SECTION 8. IC 22-14-3-2, AS AMENDED BY P.L.57-2008, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The division shall issue an amusement and entertainment permit to an applicant who qualifies under section 3 of this chapter.



C
o
p
y

(b) A permit issued under section 3 of this chapter expires as follows: ~~(1) For a permit issued to a school under section 1(c) of this chapter, one (1) year after the date of issuance. (2) For a permit other than a permit described in subdivision (1), December 31 in the year the permit is issued.~~ The permit applies only to the place, maximum occupancy, and use specified in the permit.

SECTION 9. IC 22-12-6-2 IS REPEALED [EFFECTIVE JULY 1, 2009].

SECTION 10. [EFFECTIVE JULY 1, 2009] (a) IC 22-14-3-2, as amended by this act, applies to amusement and entertainment permits issued after June 30, 2009.

(b) This subsection applies to an unexpired amusement and entertainment permit issued before July 1, 2009. Notwithstanding IC 22-14-3-2, as amended by this act, an amusement and entertainment permit expires one (1) year after the date of issuance.

(c) This SECTION expires December 31, 2010.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) The department of homeland security may adopt emergency rules to implement IC 10-14-4-6, as amended by this act, in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1.

(b) An emergency rule adopted under this SECTION expires on the earlier of:

(1) the date the department of homeland security adopts permanent rules under IC 4-22-2 to replace the emergency rules; or

(2) July 1, 2011.

(c) This SECTION expires July 1, 2011.

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) On July 1, 2009, all funds in the statewide arson investigation financial assistance fund established by IC 22-12-6-2 (repealed by this act) are transferred to the fire and building services fund established by IC 22-12-6-1.

(b) This SECTION expires January 1, 2010.

SECTION 13. An emergency is declared by this act.

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 269 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 7, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 269 be amended to read as follows:

Page 2, line 18, after "designee" insert "**of the same political party as the voting member**".

Page 3, line 13, after "designee" insert "**of the same political party as the committee member**".

(Reference is to SB 269 as printed January 21, 2009.)

YOUNG R MICHAEL

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 10-14-3-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. (a) The general assembly may appropriate the sums necessary to administer this chapter.

(b) The emergency management contingency fund is established. The fund consists of money appropriated by the general assembly. Money in the fund must be held in reserve and allocated for emergency management purposes **as follows:**

ES 269—LS 6616/DI 103+



C
o
p
y

(1) For an allocation of not more than one hundred thousand dollars (\$100,000), upon the approval of the director and the budget director.

(2) For an allocation of more than one hundred thousand dollars (\$100,000), upon ~~(1)~~ the recommendation of the director and ~~(2)~~ the approval of the governor. and the budget committee.

(c) In the event that funding under subsection (b)(2) is used, the agency shall submit an after action report to the budget committee identifying the use of the funds.

SECTION 2. IC 10-14-4-6, AS AMENDED BY P.L.57-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. Subject to the restrictions under this chapter, the agency may use money in the fund to provide financial assistance as follows:

- (1) To an eligible entity that:
 - (A) is not an individual;
 - (B) contains territory for which a disaster emergency has been declared by the governor;
 - (C) has suffered damage to the entity's public facilities because of the disaster for which the disaster emergency was declared;
 - (D) has applied to the department for financial assistance in the form of a grant; and
 - (E) complies with all other requirements established by the agency.
- (2) To an eligible entity:
 - (A) who is an individual;
 - (B) whose primary residence is located in territory for which:
 - ~~(i) the governor declares a disaster emergency; or~~
 - ~~(ii) (i) the United States Small Business Administration declares a disaster; and~~
 - (ii) there has been no disaster declaration issued by the President of the United States;**
 - (C) who has suffered damage to the entity's primary residence or individual property because of a disaster described in clause (B); and
 - (D) who complies with all other requirements established by the agency."

Page 2, delete lines 18 through 23, begin a new paragraph and insert:

"(e) A voting member may appoint a designee of the same political party as the voting member to act on the voting member's behalf under this chapter. The designee must reside in the same

**C
O
P
Y**



congressional district as the voting member. An appointment under this section must:

- (1) be for one (1) specified meeting;**
- (2) be made in writing or electronic mail submitted to the foundation at least two (2) calendar days before the meeting that the designee attends on behalf of the member; and**
- (3) be maintained in the permanent records of the foundation."**

Page 2, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 5. IC 10-19-8-2, AS AMENDED BY P.L.120-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The council consists of the following members:

- (1) The lieutenant governor.
- (2) The executive director.
- (3) The superintendent of the state police department.
- (4) The adjutant general.
- (5) The state health commissioner.
- (6) The commissioner of the department of environmental management.
- (7) The director of the Indiana state department of agriculture.
- (8) The chairman of the Indiana utility regulatory commission.
- (9) The commissioner of the Indiana department of transportation.
- (10) The executive director of the Indiana criminal justice institute.
- (11) The commissioner of the bureau of motor vehicles.
- (12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.
- (13) The speaker of the house of representatives or the speaker's designee.
- (14) The president pro tempore of the senate or the president pro tempore's designee.
- (15) The chief justice of the supreme court.
- (16) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.
- (17) The state veterinarian.
- (18) The minority leader of the house of representatives or the minority leader's designee.**
- (19) The minority leader of the senate or the minority leader's designee.**
- (20) The chief information officer of the office of technology.**

C
o
p
y



(b) The members of the council under subsection (a)(13), (a)(14), ~~and (a)(15), (a)(18), and (a)(19)~~ are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council."

Page 3, delete lines 16 through 17, begin a new line block indented and insert:

**"(1) be made in writing or electronic mail;
(2) be for one (1) specified meeting; and".**

Page 3, line 19, delete "first".

Page 4, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 8. IC 22-12-6-2 IS REPEALED [EFFECTIVE JULY 1, 2009]."

Page 4, after line 26, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE UPON PASSAGE] (a) The department of homeland security may adopt emergency rules to implement IC 10-14-4-6, as amended by this act, in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1.

(b) An emergency rule adopted under this SECTION expires on the earlier of:

(1) the date the department of homeland security adopts permanent rules under IC 4-22-2 to replace the emergency rules; or

(2) July 1, 2011.

(c) This SECTION expires July 1, 2011.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) On July 1, 2009, all funds in the statewide arson investigation financial assistance fund established by IC 22-12-6-2 (repealed by this act) are transferred to the fire and building services fund established by IC 22-12-6-1.

(b) This SECTION expires January 1, 2010.

SECTION 12. An emergency is declared by this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 269 as reprinted January 27, 2009.)

TINCHER, Chair

Committee Vote: yeas 10, nays 0.

ES 269—LS 6616/DI 103+



**C
O
P
Y**